

**MINUTES OF THE
WEST LAFAYETTE REDEVELOPMENT COMMISSION
November 13, 2006**

Redevelopment Commission members present: Steve Belter, Earle Nay, Sandra Pearlman, and Larry Oates. Also in attendance: City Attorney Bob Bauman, Clerk-Treasurer Judy Rhodes, Bev Shaw, Charlotte Martin and Deborah Kervin of the Department of Development, City Engineer Dave Buck, Tom Gall of T.J. Gall & Associates, and citizens and members of the media.

Mr. Belter called the meeting to order at 12:08 p.m. Were all the appropriate notices posted and/or mailed? Ms. Kervin answered yes they were.

OLD BUSINESS

Mr. Nay made a motion to approve the October 13, 2006 minutes. Mrs. Pearlman seconded. Mr. Belter asked if there were any other questions, comments, changes or corrections to the minutes. Hearing none, the minutes were approved and the motion passed unanimously 3-0.

Mr. Belter asked Mr. Bauman if there was any other old business. Mr. Bauman said I think some people were going to give us updates on some of the ongoing projects.

Patsy Hoyer arrived.

Mr. Gall said I'll update you on the garage. The work that was spoken of last month may start yet this week or next week. A big piece of that was working on the tops of walls, lifting lug, patch replacements, and the elevator stair tower itself. That work has been purchase ordered, been paid for out of Build Indiana funds for the construction that we've had. We should begin our next round of bids—which will be from the funds that you've appropriated a month or two ago—should come in the last Tuesday of November (November 28). You should be able to consider them at your December meeting. That work could go on, temperature allowing, through the winter or start as soon as temperature does allow and finish up in May or June.

Mr. Belter asked who got that work? Mr. Gall said Carl E. Most & Sons. Mr. Bauman said the small list. The larger list we don't have in yet. Mr. Gall said right, we quoted to three companies. They were the lowest. There was a very close one out of Indianapolis and then a Lafayette area company quoted on it and they were quite a bit out. Mr. Oates said what kind of temperature range do we need to be in to be able to have that work go forward? Mr. Gall said it depends on how cold the garage gets inside. If it freezes hard and stays cold, they won't be able to do very much of it. The structure retains some heat for awhile and has heat from internal lights in the area, there are number of things that will allow them to keep making progress. If it goes cold hard, it will have to wait until it warms back up.

Mr. Gall said as for the lighting project on Sagamore West, the lights are all on and burning. Duke Energy has turned off all their existing lights. We have two lights that actually belong to us down at Nighthawk which should be turned off tonight. We'll take a look at those and see how the intersections look and see if any of the Duke lights need to come back on or be modified, but at first glance, it doesn't look too bad. When our lights are standing there alone, the intersections are lit.

Mr. Gall said the banners have been ordered. Here they are. (*Motioning toward a banner sample in the room*) They're being manufactured and we hope to have them up sometime after Thanksgiving.

Mr. Belter said going back to Duke and the lighting, once you and Dave decide which fixtures are no longer needed, will Duke actually come and remove those? Mr. Gall said yes, they'll remove them. There are a few poles that have private lights on the backside, like Starbucks has a light on the backside, so that pole is going to stay. They'll take the street light off of it, but the pole will remain.

Mr. Gall continued, we've got some change orders to run through the Board of Works to finalize that project and purchase order a few other items. I think in the December meeting you may have an option to determine if you want to spend some of the money left in that appropriation on street trees along the parkway—do some things like that—or just let that money revert at the end of the year. We'll have everything that we need to have either completed our purchase order by the time we get to next month's meeting and you can determine if you want to do anything with the balance of that appropriation. It could be over \$20,000. It might be less in that appropriation; I know there's a lot of street tree work yet to be done along the parkway.

Mr. Gall said speaking of trees; we can segue into the Midway Project. The first phase of that is completely planted. All the trees have been planted except for the oaks—the oaks don't plant until spring. They look great and if you've been out there and taken note of them, when they leaf out in the spring they'll be even more impressive. The demolition work has been done, the guard rail has been added, the trees have been all planted. We will now go and re-walk all that and determine with Joe Payne about mowing the slopes. Having to mow the slopes which are very, very steep—which INDOT is equipped to do, and we as a City are not as well equipped to do. We want to make sure that the shrubs and things that we have laid out are going to cover the steep slopes well enough or if those need to be addressed and then we can determine if we can go ahead and bid that work. We don't expect that we will bidding that work until after the first of the year. We'll be back in January to ask you to re-appropriate the balance of the appropriations that didn't get spent this year. I think what's out there looks great.

Mr. Gall said at Chauncey Square, the Verizon work is now done. Their lines are pulled, cut over and the aerial needs to come down. The pathways in Purdue for Insight—Insight will start pulling their fiber next week—should finish up sometime after Thanksgiving. What we have left to do is for some internal foundations to be built by the developer on the garage. The power that we have brought conduit to on each end has to go through the project in order for us to finish what we're doing. So they've got to do a little bit of work now to make that happen.

We are at a point though, where our overhead will all be able to come down and so their work along Chauncey Street, should they be ready to continue putting up steel—they can at least go through and do all their foundations and continue to make progress. That's going well, we have our sidewalks in, everything that was going to be put back together this year is now back together.

Mr. Gall said the extension of Nighthawk Trail we haven't talked about in awhile. You have a \$50,000 appropriation for that. Joe's (Payne, Superintendent of Parks) not able to be here today. By the time the easement was signed by the landowner, he felt like it was too late in the year to tear all that up and potentially leave it torn up. He decided to just hold that until next year. So we will again come back and ask you to re-appropriate those funds so we can quote all the pieces of that and start it once weather allows in the spring. There is a piece of trail—where it's going to go—there'll be a fence put up to keep cars from crossing. Right now tenants of those apartment buildings, when they want to load and unload, moving in and out, they just drive from the apartment complex to the access road—just drive through the yard. We probably could have got the pavement in, but we didn't really want to get the pavement in without the fence and have everybody driving back and forth across that. So Joe has made the decision that we would just back up and start that one again in the spring.

Mr. Buck said I can update you on the Sagamore West / US 52 and Salisbury signal and the pushbuttons. They have not been lowered yet, the signal equipment for the interconnect had not come in yet. It is now in and hopefully we can get INDOT scheduled up here—possibly yet this week. The new controller cabinet is sitting there in front of Walgreen's on that corner. The one at Starbuck's will come out and that equipment then can be hooked up and get the two signals talking together and at the same time get those pushbuttons for the crosswalks lowered as well. We haven't forgotten about that.

Mr. Buck continued, on the Tapawingo South Project, we had a couple of meetings last week. As a part of the east end of Tapawingo, there was a large fill constructed above the original ground elevation. It's that area that we've been monitoring settlements in. We've been monitoring now for several weeks and specifications call for <.04 feet of settlement per week for four weeks straight. We had .01, .03, .02 and the fourth week we had .04. So it started the clock over and that is pushing us back. As of the middle of October, we have four new weeks. If we have good readings yet this week, the clock would end up and our first day of starting curbs and base asphalt would be November 27, the Monday after Thanksgiving. Everyone's starting to think that might be a little too late to start that temperature-sensitive construction in the year. So we'll see how the settlement goes, but we're also starting to discuss delaying that portion of the work until spring. The contractor had hopes that the curb and the point where we had originally agreed to winterize the job would be reached by now, but one hurdle after another, and we get delayed. Again, we're trying to make sure we do this right; we had the luxury that this is not an existing facility and so we can live without it for a little while longer. It's not really going to create a lot of extra time in the spring, once we do get going. Once they're set up and doing this work and mobilized in to do the paving and the concrete curb and have the string lights set up. It prevents us from having to do it again. It's not like we're adding weeks and weeks to it—hopefully.

Mr. Buck continued, we have been actively working with Mr. Shen in obtaining an easement for the street lights that we would like to put along the trail, pedestrian lighting, to light that trail through that very unlit, undeveloped area as soon as the road's open. We are working to get the appraisal work done for Mr. Shen and that has been a difficult thing to find appraisers who have any time. So we hope to have the appraisal work completed and have a change order be approved to where we can actually add that work into the contract, but that might be something again next year that we would have to come back and ask for a re-authorization of those funds that are currently in the project contingency or have been appropriated. Last week the Board of Works did approve a supplemental agreement filing with HNTB for their construction inspection services as a part of Change Order No. 3 for the rework to go with the undercut and fill method versus the dynamic compaction. They've been onsite now for several months longer than they originally had in their contract and will also be in this spring and this work is covered by the supplement.

Mr. Belter asked if there were any questions from the Commission. Mr. Oates said it does sound like we're doing the right thing. Let's not rush it and do it right the first time. Mr. Belter said thank you.

NEW BUSINESS

Mr. Belter said the next item of business is the authorization of the Trustee to pay claims. Mr. Nay made a motion to approve the payment of the claims. Mrs. Pearlman seconded. Mr. Belter asked Charlotte (Martin) have all the claims been reviewed by someone familiar with the projects and been approved? Mrs. Martin answered yes. Mr. Belter said thank you. Mr. Belter asked if there were any question or comments about the claims.

Mr. Belter said are there any other questions about the claims to be paid? None were made. The motion to approve the payment of claims passed unanimously 4-0.

Mr. Belter said the Parking Garage financial statements have been mailed. I think we probably need to get those into and attached to the minutes. Did we want to go over that list of projects and the responsible parties? I think that relates to...Mr. Bauman said we can if you want to. It's all fairly self-explanatory. The thing that struck me about this list was how much the Redevelopment Commission has accomplished for the community in just the few short years that it's been in business. It's just astonishing.

Patsy Hoyer said that too, but I was looking at the responsible party. I didn't see any DOD's (Department of Development). Mr. Oates said the responsible party is the party that's—this Commission has paid for it—and that party is taking care of it. Is that what....Mr. Bauman said I think originally DOD was filled in on the Burnham's property, and I reminded Josh that we had not yet, under the terms of the purchase agreement, taken possession from the seller. Ms. Hoyer said yes, so it's really not ours yet. Mr. Bauman said well, we don't have possession of it. Now that will occur next year and then we will be responsible for that. The plan is for that project to be done in conjunction with Parks.

Mr. Oates said this is a great start to get us where we're going. But in my mind, we need to go to the next step and that is—it's nice to know the responsible party—but do we, as a Commission, know what's going on with each of these things. I guess that's where I've been going back to is that Parks has, I'm just going back to the first thing (*referring to list*), the Sagamore Parkway Connector Street landscape is being taken care of by Parks. But we're not, as a Commission, getting any information that there are problems or not problems with that. Mr. Bauman said we can ask each of them to...Mr. Oates said that's how we got caught on the garage thing. That there was allegedly a responsible party and it didn't happen. I think that's part of our job as Commission members to have the oversight of these things and to make sure that at least we're touching on these topics during the year so that we know what's going on with these things. Mr. Bauman said I would be happy to do that.

Mr. Belter said I think that's probably appropriate. Mr. Oates said I don't have the mechanism on that, Bob, at some point there should be...Mr. Bauman said I think we'll ask for a report from each of those agencies summarizing...Mr. Oates said what the status is on each project. I think that would go a long way in making sure we know what's going on with these projects.

Mr. Belter said, Tom, I assume that next time to have somebody come and do an inspection of the garage, as far as an outside professional, would be after the major projects that we approved have been completed. Mr. Gall said we'll work through those. Mr. Belter said I think, while we've got the financial statement, it's probably still appropriate that the Wabash Landing Development was going to try and keep us updated on the maintenance work that they are doing in the garage. We should probably ask for an update from them periodically. That's the one thing I think we really need to stay on top of because of the value of the garage.

Mrs. Hoyer said I don't want to disagree, but I guess I'm not clear on what's the difference between these responsible parties and the parking garage responsible party, they were someone else, and they were not part of the City. Basically, the intent of all of these things is that we pay for here, unlike the parking garage at Wabash Landing. But that we would pay for these and then our intent is to turn them over. They are not then going to be our...Mr. Oates said but as a Commission, then we technically need to actually turn them over. But if we're paying bonds on them, we can't turn them over—that's where we run into the problem. As Commission members, we have through the bonding authorities which state, we're supposed to be taking care of these things and making sure they're being taken care of. If we have an outstanding bond on any of them, it's still under our oversight. Now if there's something that is not bonded, that was paid for out of funds and that can be turned over, then we should have an actual indication that we have turned it over to that department, taken it off our books and move on.

Mrs. Hoyer said some of these things are paid out of—not the bond itself, in which case then I think we should not...Mr. Oates said I agree with you. Mrs. Hoyer said we can have these on our books as things we've done, but not as things I need to be responsible for. There's plenty enough as it is. Mr. Oates said right. Some of these things are turned over and they were not bought out of TIF balances which is different. Mr. Oates said I agree, but as a Commission, we need to have a meeting and say "Park Board, here we're handing this to you, and you now have the authority to take care of this. Mrs. Hoyer replied I think we've done that. I think that

happens de facto on things that are given their responsibility. This is my understanding of it and even though we've paid for it out of TIF money, but now it's their responsibility. Once that funding is done, it goes to whomever. Mr. Oates said I think you may feel that way, but we probably need to go through the exercise of actually turning it over. Mrs. Hoyer said to Mr. Bauman, do we need to do that? Mr. Bauman replied we can. We've raised the question of which category in terms of how they were funded and we'll get that information and I think it's also still, regardless of whether it's turned over or not, I think it may be helpful to have some information from the agency about what they do and how they maintain it. Mrs. Hoyer said but *as a matter of interest*, which is different from being critical and that *which I'm responsible for*. There are lots of things I'm interested in, but I'm not responsible for. I think we need to make that distinction.

Mr. Oates said I think we're talking about the same thing, but I want to make sure that the bond that is on my name, that when it's handed over that I am no longer responsible for it. If we don't take that step, then I still am. Mrs. Hoyer said then this list is confusing, I think from that sense, because this looks like these are things we are all responsible for. This list needs further clarification. Mr. Bauman said a lot of those things are public improvements that have been made to land which is owned by either the City or the Parks Department. Mrs. Hoyer said I understand that, but this list needs further clarification in separating those two things; that's my point. Mr. Oates said yes, and I don't disagree with you. Mr. Belter said Bob and Charlotte (Martin) could you try and work on that for us?

Mr. Oates said I think Judy (Rhodes, Clerk-Treasurer) had a comment. Mrs. Rhodes said I don't know if it's appropriate, but it's related to the discussion. May I speak? Mr. Belter said yes. Mrs. Rhodes said one of the reasons I would particularly be interested in distinguishing between what's happening with the ongoing maintenance and problems with these assets is that for many years now there's been a concern about how we fund the maintenance and protection of the assets that are being constructed with TIF dollars. There's been some discussion between the Mayor and myself about whether TIF dollars can be used to better capital assets constructed originally with TIF dollars—that is extend their life. For example, the rehab project on the garage is certainly in that category. The trails that you've constructed and many of the other assets will require ongoing maintenance needs but some of them will require capital expenditures in order to extend their lives. Decisions have to be made. Are we going to pay for that somewhat with TIF dollars or put all that on other city funds? The list, as you can see, is quite lengthy now, and you can understand that it's a growing concern looking forward to the future. Mrs. Rhodes continued with I would suggest that would be one area of your thoughts in that direction would be very welcome on my part to help consider what kinds of expenditures you'd be willing to do for long-term betterment or preservation of the assets you've constructed versus the simple ongoing operation and maintenance of those assets.

Mrs. Hoyer said it's somewhat related but a separate issue. Mrs. Rhodes said however we couldn't have that discussion until you round these things up and understand what state the assets are in and what the needs are—that some of those constructed seven or eight years ago are now needing major capital expenditures.

Mr. Belter said is there any other business? There was none.

The Commission confirmed/scheduled the following meetings:

Monday, December 18th at noon
Tuesday, January 2nd at 4:00 p.m.
Monday, January 22nd at noon

Mr. Belter said the last item of business is Public Comment. Is there anybody from the public who has a comment for the Commission? There was none.

Mr. Oates made a motion to adjourn. Mr. Nay seconded. The meeting adjourned at 12:34 p.m.

Respectfully submitted,

Francis Earle Nay, Recording Secretary

Approved:

Stephen E. Belter, President

/djkk